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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,384	10/23/2001	Suehiro Mizukawa	110-061	9837
23364	7590	02/09/2006	EXAMINER	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			PRONE, JASON D	
		ART UNIT		PAPER NUMBER
				3724

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/926,384	MIZUKAWA, SUEHIRO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jason Prone	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 September 2005.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8, 10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 and 10 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 6-8 and 11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

In this case, the abstract appears to be over the 150 word maximum and also includes numerous occurrences of "..." that should be deleted.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 6-8 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention. (The term Fig. 3 in the following paragraphs refers to the marked-up copy of Figure 3 provided by applicant in the response dated 26 September 2005).

Claims 6-8:

In regards to Claim 6 lines 3-4, the phrase "a stationary blade part having a front member and a rear member together defining a support face" is not accurate as will be seen in the following paragraphs. The claim only discloses a support face singular while Fig. 3 and the specification clearly disclose 2 separate left and right support faces. As written, the term support face cannot be interpreted to define both the left and right support faces. For clarity in explaining the 112 issues, the examiner considers the right support face to be the claimed support face.

In regards to Claim 6 lines 7-8, the phrase "a pair of front and rear stationary edges are disposed in said support face and formed in said front member and said rear member" is not clear. Using Fig. 3 and remembering the issue from the previous paragraph, the claimed support face or right support face only incorporates one of each of the rear stationary edge (15a) and the front stationary edge (13a). The claimed singular support face does not incorporate edges 16a or 14a as claimed. The unclaimed support face or left support face discloses the other two edges but does not incorporate edges 15a and 13a. The rear and front stationary members define a left support face and a right support face.

In regards to claim 6 line 12-13, the phrase "a left movable blade part situated adjacent to and to the left of said support face" is partially correct. The left movable

blade is to the left of the claimed right support face, however, in view of what is meant by the term "adjacent" with respect to the right movable member and the support face, the left movable blade is not adjacent to the right claimed support face but is adjacent to the unclaimed left support face.

In regards to claim 6 line 15-17, the phrase "a movable edge which is disposed in said right movable blade part, and which cooperates with said pair of front stationary edges of the support face to cut" is not accurate. Applicant's Fig. 3, clearly discloses the front stationary edges as 13a and 14a. It is clear from the specification and the Figures that right movable blade part uses its movable edge to cooperate with edges 13a and 15a, which are one front and one rear stationary edge. Right movable blade part is not capable of performing a cutting/shearing function with edge 14a.

In regards to claim 6 line 18-20, the phrase "a movable edge which is disposed in said left movable blade part, and which cooperates with said pair of rear stationary edges of the support face to cut" is not accurate. Applicant's Fig. 3, clearly discloses the rear stationary edges as 15a and 16a. It is clear from the specification and the Figures that left movable blade part uses its movable edge to cooperate with edges 14a and 16a, which are one front and one rear stationary edge. Left movable blade part is not capable of performing a cutting/shearing function with edge 15a. Also, due to the claim only claiming a single support face, which has been interpreted to be on the right side of stationary members, the left movable blade part would not be able to perform a cutting function since it would only push the work piece off of the claimed right support face.

Claim 11:

In regards to Claim 11 lines 3-4, the phrase "a stationary blade part having a front member and a rear member together defining a support face" is not accurate as will be seen in the following paragraphs. The claim only discloses a support face singular while Fig. 3 and the specification clearly disclose 2 separate left and right support faces. As written, the term support face cannot be interpreted to define both the left and right support faces. For clarity in explaining the 112 issues, the examiner considers the right support face to be the claimed support face.

In regards to Claim 11 lines 7-8, the phrase "a pair of front and rear stationary edges are disposed in said support face and formed in said front member and said rear member" is not clear. Using Fig. 3 and remembering the issue from the previous paragraph, the claimed support face or right support face only incorporates one of each of the rear stationary edge (15a) and the front stationary edge (13a). The claimed singular support face does not incorporate edges 16a or 14a as claimed. The unclaimed support face or left support face discloses the other two edges but does not incorporate edges 15a and 13a. The rear and front stationary members define a left support face and a right support face.

In regards to claim 11 line 12-13, the phrase "a left movable blade part situated adjacent to and to the left of said support face" is partially correct. The left movable blade is to the left of the claimed right support face, however, in view of what is meant by the term "adjacent" with respect to the right movable member and the support face,

the left movable blade is not adjacent to the right claimed support face but is adjacent to the unclaimed left support face.

In regards to claim 11 line 15-17, the phrase "a movable edge which is disposed in said right movable blade part, and which cooperates with said pair of front stationary edges of the support face to cut" is not accurate. Applicant's Fig. 3, clearly discloses the front stationary edges as 13a and 14a. It is clear from the specification and the Figures that right movable blade part uses its movable edge to cooperate with edges 13a and 15a, which are one front and one rear stationary edge. Right movable blade part is not capable of performing a cutting/shearing function with edge 14a.

In regards to claim 11 line 18-20, the phrase "a movable edge which is disposed in said left movable blade part, and which cooperates with said pair of rear stationary edges of the support face to cut" is not accurate. Applicant's Fig. 3, clearly discloses the rear stationary edges as 15a and 16a. It is clear from the specification and the Figures that left movable blade part uses its movable edge to cooperate with edges 14a and 16a, which are one front and one rear stationary edge. Left movable blade part is not capable of performing a cutting/shearing function with edge 15a. Also, due to the claim only claiming a single support face, which has been interpreted to be on the right side of stationary members, the left movable blade part would not be able to perform a cutting function since it would only push the work piece off of the claimed right support face.

Lines 22-28 provide proof that the right and left movable blade parts use a respective front and rear stationary blade edge to cut a certain shape. If the right and

left movable blade parts used the edges as claimed above it would be using one edge for straight cutting and one for miter cutting.

In regards to claim 11 lines 21-22, the phrase "said support face is formed in each of the right and left side faces of said front member and rear member" needs to be deleted and incorporated earlier in the claim starting at lines 3-4. The first 3 paragraphs of the Claim 11 rejection has to do with improper claiming of the support face. The appropriate left and right side faces subject matter must be incorporated into the claim at each of the problem areas.

In regards to claim 11 lines 32-35, the phrase "and with said pair of front and rear movable edges on said left movable blade part cooperating with said miter-cutting front stationary edges to cut the blade material" should be deleted. First, it creates a lack of antecedent basis issues and second, the exact same subject matter is stated on lines 36-39.

In regards to claim 11 lines 29-30 and 36-37, the phrases "a pair of front and rear movable edges are disposed in said right movable blade part" and "a pair of front and rear movable edges are disposed in said left movable blade part" is not clear. As written, the claim discloses that each movable blade part includes 2 rear movable edges and 2 front movable edges. The specification and the Figures only provide support for each movable blade part including 1 rear movable edge and 1 front movable edge for cutting only.

Claims 6 and 11 have numerous lack of antecedent basis issues.

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4. It is to be noted that claims 6-8 and 11 have not been rejected over prior art. It may or may not be readable over the prior art but cannot be determined at this time in view of the issues under 35 USC § 112.

***Response to Arguments***

5. Applicant's arguments with respect to claims 6-8 and 11 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

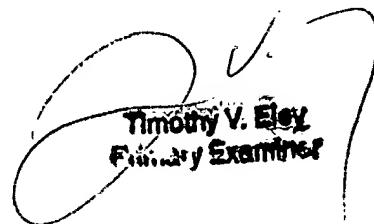
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is (571) 272-4513. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JP  
February 03, 2006



Timothy V. Eley  
Primary Examiner